



# City of Hampton, VA

## Meeting Minutes

### City Council

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

*Ross A. Kearney, II*  
*Will Moffett*  
*Joseph H. Spencer, II*  
*Molly Joseph Ward, Mayor*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Staff:*  
*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, April 11, 2012      5:58 PM      Council Chambers, 8th Floor, City Hall

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#### **CALL TO ORDER / ROLL CALL**

#### **MOLLY JOSEPH WARD PRESIDED**

**PRESENT:** Will Moffett, Joseph H. Spencer, II, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

**ABSENT:** Ross A. Kearney, II

Mayor Ward welcomed everyone to the Public Comment Period.

Clerk of Council Ms. Katherine Glass read the protocol for the Public Comment Period.

Mayor Ward noted that Councilman Kearney was recuperating from surgery; is doing well; and continues to be in our thoughts and prayers.

#### **PUBLIC COMMENT**

Mr. William Webster, 201 Greenbrier Avenue, greeted the Mayor, Councilmembers, City Manager, and City Attorney and made the following statement: I am here today on behalf of the Webster family to offer our deepest sympathy to Mrs. Frank Ottofaro and her family. Both of my parents are in their 90's. One day when I went by their house, I asked my mother where the veggies came from in the cellar and she told me Mr. Ottofaro brought them and brings fresh foods all the time. I want to say to the family that he had a heart as big as all outdoors. My deepest sympathy goes out to the family. To those who come to the council meetings – don't judge Frank too harshly. Frank was a man of principle and he followed his instincts. Thank you.

Mr. John Krulis, 3631 Chesapeake Avenue, greeted the Mayor, Councilmembers and City staff and made the following statement: I had the distinct honor and privilege of helping Frank get to the loudspeaker on one of the last times he was here.

Mr. Krulis noted he sent a letter to the Daily Press, but did not think it would be printed; and, therefore read the following portion of the letter in honor of Mr. Ottofaro:

"I'm pleading with my fellow Hamptonians to consider this striking statistic: only 14.3 percent of us voted in our most recent local election. I've personally said to several in City government that they get away with what they get away with only because no one is watching. Well, add to that – because we are not voting. We don't vote for many reasons, many of them understandable. Some despair that it doesn't make any difference who gets elected because the results are the same. You're not alone in your cynicism. Many figure they don't really know enough about the issues. I'd suggest you read the lead article on the front page of the Daily Press dated Sunday, February 19th. You will know the issues. For years, Hampton's leadership has made a succession of poor financial decisions of which Harbor Square is only the most recent. My short list would also include the Convention Center, the Power Plant, Parade of Homes, and the H2O development. These endeavors and many others were all conceived, planned and executed without due diligence, without realistic cost or revenue projections and without vetting of proposed partners. For years, only one voice on Council was asking the critical questions, that of Angela Leary. The City needs to not only to scrutinize its past decisions, but also to review and rethink its current ones. The City needs to recognize that these are not ordinary economic times. The City needs new and independent voices on Council and the City needs Donnie Tuck in the Mayor's chair."

Mr. Krulis continued his statement. I dedicate this to Frank Ottofaro and suggest that anybody who would like to honor Frank Ottofaro be at the polls on May 1st to vote your conscience because your City depends on it. Frank was a sterling example of participation of citizens. If you have anything good to say about him, be at your voting place on May 1st. That is how you honor the man and that is how I would like to honor him tonight. Thank you.

Mr. Johnnie Carroll, 3608 Victoria Boulevard, greeted the Mayor, Vice Mayor Councilmembers and citizens and made the following statement: I am a citizen of this City. I have a preparation of only 494 words, but I hope that they strike a chord with everyone listening. In my past years in the Army, a soldier was placed in an environment called a situational training exercise. The exercise presented problems to the soldier that he or she had to engage with a controlled, but extreme prejudice. I have decided to share this information because while we are far beyond any sort of a training environment at this moment, we must yet steel ourselves with the problems facing our City with diligence and vehemence. When a man loses his home to Eminent Domain and has to fight for years and even upon his deathbed for his voice to be heard, we have a problem. When nearly 10,000 citizens voice their opposition to development on a beachfront, but the developer continues because he has vested interest, we have a problem. When in a down economy, our tax dollars are financing a new courthouse instead of renovating or fixing the one we currently have, we have a problem. When a former Mayor on an Economic and Development Board earns a six figure salary, but we still have lines outside our employment office while other localities are bringing businesses, jobs and prosperity to their locations, we have a problem. Brothers, sisters, fellow Hamptonians, we cannot engage these problems and advance or ignore them, languish and perish. As much as it is a soldier's duty to protect this nation, it is a citizen's duty (our duty) to vote after careful study of our leaders and select them properly. I ask you to look deeply into this struggle because only fourteen percent of us are actually voting. It is time to change this system and the way we do business. Thank you very much.

Ms. Brenda Moyer, 134 Whiting Street, greeted the Mayor, Vice Mayor, Councilmembers, City Manager and City Attorney and made the following statement: I am here tonight to speak on behalf of Mr. Frank Ottofaro, Sr., who most recently passed away shortly after last month's City Council meeting on March 14th at approximately 9:50 p.m. It should also be known that on this very same night of the March 14th Council meeting, Mr. Ottofaro had made an attempt to get out of his hospital bed, disconnect life support systems and come down here (City Hall) to continue his fight for his rights and receive the justice owed to him by the City and the current Council. Both his family and Riverside attending nurses that night had to restrain Mr. Ottofaro from leaving the hospital bed by tying down his feet and his hands to prevent him from getting out of bed. For over 12 years, Mr. Ottofaro came down to the Hampton City Council meetings to make several good faith attempts to right the wrong that was done to him by the City over the misuse of the Eminent Domain Law to take what was rightfully his, the house and land located on Pine Chapel Road. Mr. Ottofaro never asked to be treated any differently than any others who were with him at the very first property owners' meeting that Mr. George Wallace himself held in 1999 at the local Hampton church. Mr. Ottofaro never asked to receive more than his other fellow property owners received of two and one-half times their own property assessments. Mr. George Wallace also informed the property owners' within the Power Plant's footprint at the same church in 1999 that should anyone not want to sell their property that none would be taken, and the City would just go around them. Mr. Ottofaro believed what Mr. Wallace had told him. He (Mr. Wallace) was the City Manager; why would he lie? One evening, the then Hampton City Attorney, Mr. Paul Burton, had telephoned Mr. Ottofaro and had requested a City assessor come on his property located on Pine Chapel Road to perform an updated assessment since one had not been done in 7 years. Mr. Ottofaro granted Mr. Burton this request under the condition that he could have a copy of the assessment once it was completed. Mr. Burton agreed to this and the assessment was performed. A few months had passed, and Mr. Ottofaro never heard back from Mr. Burton's office on the assessment, and when Mr. Ottofaro placed a call to Mr. Burton, he was told he could have a copy, but he would have to pay for it. This was not the agreement that was made, and it was the start of several aggressive acts committed by the Hampton City Attorney's Office that were unwarranted and showed a clear misuse of power and office. I informed you at the March Council meeting that Mr. Ottofaro was on life support, and that his family stated that evening that he would not be leaving the ICU. Obviously, this situation came to be true and we all lost "Mr. O". Although we could not fix what happened to him before he left us, we can at least see to it that his wife and his family are taken care of by fixing this injustice done to them. I ask you once again, please reconsider Mr. Ottofaro's case solely on the lack of fair and equal treatment that he did not receive over the last 12 years of his life and to make his wife Dora and family whole to match what was given to the other property owners by two and one-half times their assessments. It is simply the right thing to do here. Mr. Ottofaro deserves respect even in his time of rest. Thank you.

Mr. Eddie Deerfield, 1515 Garrow Circle, greeted the Mayor, Councilmembers, City Manager and City Attorney and made the following statement: I am here tonight to speak on behalf of Mr. Frank Ottofaro, Sr., who most recently passed away shortly after last month's City Council meeting on March 14th at approximately 9:50 p.m. To continue on Mr. Ottofaro's story, Mr. Ottofaro did find out that his assessment came back to be \$164,000. Although Mr. Burton still would not honor their agreement of giving

Mr. Ottofaro his copy of the written assessment, he was told verbally of this figure. If you take this number and times it by two and one-half times, the total price that Mr. Ottofaro should have received for his property would clearly have been \$410,000. This would have matched the other property owners' purchase prices, and it would have been the fair and equal thing to do here for Mr. Ottofaro. To this very night, Mr. Ottofaro has never been given a reason out of basic human respect as to why he was treated differently than the others within this very same meeting and at this very same Hampton church with Mr. Wallace. It should also be known that Mr. Paul Burton had telephoned Mr. Ottofaro on another evening after hours and informed him that the City of Hampton was making the one and only offer of \$164,000 for Mr. Ottofaro's property, and that if he did not take it, the City would condemn and perform a Quick Take of his property under Eminent Domain. Mr. Ottofaro reminded Mr. Burton during this telephone call that Mr. Wallace had stated that if he did not want to sell his property and house, that the City would build the road to the Power Plant around him. Mr. Ottofaro at this time refused Mr. Burton's threat and offer and informed Mr. Burton that he would take it to court. The City of Hampton filed the Quick Take Certificate with the Hampton Court, deposited a check for the total of \$164,000 into an account which gained interest, and sent Mr. Ottofaro's tenants a letter stating that they could stop paying their rent to Mr. Ottofaro immediately, and that they could live in the house for the next 3 months rent free, yet Mr. Ottofaro was still paying taxes on the house. When Mr. Ottofaro did not receive his rent check after a month, he asked his long-term tenants as to why they had not paid him his rent. The tenant replied that the City Attorney's Office had sent them a letter informing them to stop paying Mr. Ottofaro the rent. The problem with this was the City Attorney's Office did not show Mr. Ottofaro any respect by sending him a copy of the letter to make him aware of this loss of rental income to his family. Mr. Ottofaro had to find this out from his own tenant. It must also be noted that Mr. Ottofaro was still paying all of the real estate property taxes on his house and land during this time, although the City claimed the property was theirs now. Where was Mr. Wallace's commitment that the City would not take anyone out? The Ottofaro family is still wondering about this statement to this day. Mr. Ottofaro turned down the City's offer and thought that he would be left alone as Mr. Wallace had stated at the church in 1999. I ask you once again, please reconsider Mr. Ottofaro's case based solely on the lack of fair and equal treatment that he did not receive from this City for over 12 years of his life, and to make his wife, Dora, and the family whole to match what was given to the other property owners by this City of two and one-half times their assessments. It is simply the right thing to do here and Mr. Ottofaro deserves this respect, even in his time of rest. Thank you.

Mr. Eric Moyer, 134 Whiting Street, greeted the Mayor, Councilmembers and City staff and made the following statement: I am here tonight also to speak on behalf of Mr. Frank Ottofaro, Sr., who most recently passed away shortly after last month's City Council meeting on March 14th. To continue Mr. Ottofaro's story, he never wanted to be within the public spotlight, or to have his property and his life on display for all to see. He only wanted to be left alone, with no complications in his retirement years. Only when our City officials came along and threatened Mr. Ottofaro with the seizure of his property and his livelihood, did Mr. Ottofaro get placed in the middle of what became a 12 year battle to protect what each and every one of us here tonight have, the right of property ownership. This City created this black cloud by taking something that did not belong to them, a house and a piece of property from a long-term Hampton resident and business owner, Frank Ottofaro. Mr. Ottofaro thought that he had a choice to decline the City's offer of \$164,000 to keep his property and to be bypassed by the road going to the

Power Plant as then City Manager Mr. Wallace had stated to him and others back in 1999. This obviously turned out not to be true. He never asked for the then City Attorney or Zoning Administrator or four Hampton officers, Zoning Department personnel or the City locksmith to force entry into his home located on Pine Chapel Road past the No Trespassing signs, change the locks and have Mr. Paul Burton himself come out and hold up the key and state to him "Mr. Ottofaro, if you need to get anything out of your house, you can come down to my office and get the key." Was this really necessary? Mr. Ottofaro felt that the City Attorney at the time should have been fired and disbarred for the aggression and abuse that he displayed. This case had not yet even been to court in Hampton before the property was taken. Do you think that the City Attorney at the time may have known how the Hampton Court was going to rule ahead of time? The family surely saw through the aggressive act that had been committed against them. They also have this entire event on video tape. It wasn't enough to kick out his tenants or change the deed over to the possession of the City or wait until it had been heard by the Court. The City certainly thought that this was not so. Additionally, testimony from the then City Manager, Mr. Wallace, in a Hampton Court who was asked four questions: Is there a demolition schedule in place? Has a road construction contractor been selected? Has a demolition contractor been selected? Is there a definitive map showing the exact placement of the road? In all four questions, Mr. Wallace answered clearly "no". Presiding Judge Wilford Taylor still allowed the City of Hampton to tear down the house of the Ottofaro's only six days upon leaving the Court room. I ask you once again, please reconsider Mr. Ottofaro's case based solely on the lack of fair and equal treatment that he did not receive from the City for 12 years of his life and to make his wife Dora and the whole family match what was given to other City property owners that of two and one-half times the assessed value. It is simply the right thing to do here, and Mr. Ottofaro deserves the respect even in his time of rest. Thank you.

Mr. Frank Ottofaro, Jr., 341 Wrexham Court, made the following statement: I am here tonight to speak on behalf of my father, Mr. Frank Ottofaro, Sr., who most recently passed away on the night of last month's City of Hampton Council meeting only hours after it was over. I'm also here tonight to pick up my father's sword and to continue his fight against a City which does not, has not and will not listen to its citizens. This statement is supported by my father's 12 year battle of his own rights and unequal treatment and is supported by the 8,000 Buckroe residents who signed a petition to prevent some of our beachfront property from being developed. To continue where Mr. Moyer left off, our attorney filed an emergency appeal with the Virginia Supreme Court immediately after Judge Taylor's decision to allow Hampton to tear down my parents' house on their property. Requesting a stay of demolition until the Virginia Supreme Court had heard it, this City's government was quick to act on demolishing my parent's house within only 6 days of leaving the Hampton Court. They knew that if they tore down this house, the Virginia Supreme Court would never grant us the stay of demolition. This was also the only time that we were denied to go to the Virginia Supreme Court. Mr. Ottofaro asked if the Daily Press was listening to please get that fact correct.

Mr. Ottofaro continued with his statement. The house is gone. When you take away the subject of debate, you are not going to get heard. Everyone must know here tonight that after my parent's house was destroyed so quickly by Hampton, the property sat untouched for 8 months without anything else being done for the road. My parents were now being denied, in our eyes, our due process. Why? What was the hurry here? The City was in so much of a hurry to tear down this house that the demolition contractor ran

over four marked graves with a bulldozer cracking some of their markers. I have this on videotape as well. Hopefully, these people were shown respect by being relocated by the City. Why was this aggression of this magnitude necessary against such a nice man and family? The Ottofaro family wants and deserves an answer. In another Hampton Court to discuss the actual property value and after the house had been demolished, the City of Hampton decided to perform another assessment of my parent's property now without the house on it. This assessment came back at \$122,000; \$42,000 less than the City's own first appraisal of \$164,000 - what was still in the temporary account that was set up when the Quick Take Certificate was filed in 2000. Presiding Judge Christopher Hutton denied the Jury Commissioners from hearing the Quick Take amount of \$164,000 and sequestered the Jury Commissioners approximately 11 times off and on over a three hour court session. Why wouldn't the Jury Commissioners hear the original Quick Take amount of \$164,000? How could anyone possibly think that a new assessment should have been done minus the house? This was the dirtiest thing that the City could have done to my parents to undercut their own first assessment. The Ottofaro family wants and deserves an answer. Our attorney hired a commercial real estate specialist to present what a property equal to the size of my parents' property was worth. The price was between \$340,000-\$375,000. When the Jury of Commissioners came back to give their decision, they estimated the difference between the City's new assessment of \$122,000 and our own \$340,000 estimate to reach the figure of \$170,000 which included accrued interest. This is the total price which was paid to my parents for their property.

Mr. Ottofaro continued his statement. Finally, let's talk about the road itself. Queen Street was purposely changed to take out not only my parent's house, but also anyone else's that did not want to sell their property to the City for the Power Plant road to be built. Mr. Gear, who sat on City Council at that time and Mr. Kearney both stated clearly in the October 2001 Council meeting that the road was altered from the original map to take property from its owners who didn't want to sell it. How clear can this be when two sitting Hampton Councilmembers stated this to be true? The City altering their original map allowed this road to touch only 20% of my parent's property which was a three-quarter acre lot and only four feet of the right front corner of their house. Any road design engineer could have shifted this road another 15-20 feet to the right and avoided doing harm to my parents by taking their property from them and all of us would not be here tonight speaking of it. Why could this not be done for them? The Ottofaro family deserves an answer to this unwarranted and continued aggression by this City. Mr. Moffett, I will not personally judge you because I honestly do not know you. I will only judge you based on your own actions and the actions of others sitting with you on Council. The Daily Press quoted you as saying that if my father's case had been reheard by this Council that it would open the City up to other cases like it. I say to you tonight, this case is obviously not like any other and it is in not only the Commonwealth's view right now, but the nation's as well to change the laws governing the abuse of Eminent Domain by cities like Hampton. How can any of you sit up there and hear what has been said here tonight and not take another look at this case? There is a time to set aside your Councilperson hat, your lawyer's hat and your City Manager's hat and ask "Was Mr. Ottofaro and his family treated differently than all of the others involved in this project?" You would come up with the answer as being "Yes he was and what can we do as a Council to correct this wrong that was done to him and his family? We can retable this. We are the City Council who makes the laws and we can show that we can fix an injustice committed against one of our citizens." None of you will have any values, principles or morals to believe in if you allow this case to be brushed under the carpet

like it has been for the past 12 years. You need to listen now. Do not keep ignoring it in hopes that it will go away. My father is the perfect example of someone who was underestimated in his spirit. To see that City government officials are held accountable for their aggressive acts which they used to take what was not theirs to take - his property and the attempt to take his rights. You need to make the right decision. You need to right this wrong done to this family. The Ottofaro family is once again extending an invitation to sit down with any of you to discuss this case. It clearly deserves to be heard considering what has happened with the passing of my father.

Mr. Ottofaro continued his statement. We hope to hear from you within one week's time with your answer. He gave you 12 years; you can do it in a week. Thank you for your time. To all of the guests that came here tonight on my father's behalf, he is looking down upon us smiling. Mr. Ottofaro pointed out other Ottofaro family members that were present including his mother and sister.

Mayor Ward gave condolences to Mr. Ottofaro and his family and said she understands what it feels like to lose a family member such as a father.

Mr. Jonathan Deerfield, 1515 Garrow Circle, greeted the Councilmembers, Mayor, City Attorney and City Manager and made the following statement: Tonight, I will speak on what I have learned about Council in the past year or two based on what I have heard from my father and what I have learned by watching. First, I want to take a moment to remember Frank Ottofaro. He was a good man that due to the stressor that is this Council was unable to continue to fight because his body gave out. Today, his spirit remains and we will continue to fight. Needless to say, we will fight until he is avenged. Today, I came to speak on this Machiavellian Council. Always working behind closed doors and using a deep deception in order to further your own agenda for the City. As citizens, we do not have time to continue to tolerate this Council's, minus one, smug and wasteful approach to handling this City. Niccolo Machiavelli in his book, "The Prince", mentioned that the prudent man will help to stop the disease or plague of society in its tracks before it becomes a problem; for the Romans were so prudent in government that they were able to spot a threat before it became a problem. For many years, the citizens of Hampton have been ignorant to the workings of the City Council. Now the City Council minus one is a problem. I feel that this City has not been prudent in its handling and with the increased wave of population decrease, we will soon find that we have become a part of another City due to a misplaced smugness. Robert Frost is quoted as saying "In three words, I can sum up everything I have learned about life: It goes on." Mr. Frost was correct in this saying. Life goes on. Our citizens will go on. But, with the way that Council is handling business today, I am more inclined to feel that this Council is a disease rather than a cure, and in the future while our great citizens may go on, our wonderful City will not due to the mistakes of this Council. Today, we stand up. Less ignorant, we are more prudent and we plan to eradicate the disease that is this Council before it can do anymore irreparable harm. We voted this Council into place. You all seem to have forgotten that. But instead, you feel that you all are our trustees. Trustees are those who feel that they can make decisions for us rather than making decisions with us. You have tried to appease us, but you do not listen to the will of the people; and therefore, you do not deserve to be in office. We want delegates – not anyone who will vote against the will of those who vote. I hope for once you have opened your ears to the criticism that I am bringing to you tonight. Thank you.

Mayor Ward asked those in the audience to refrain from applauding in Council Chambers.

Mr. Jim Yacobi, 7 Maynard Street, greeted the Mayor and Councilmembers and made the following statement: I signed up to speak about citizenship, particularly in the City of Hampton. There is no better example of citizenship than the person we have been talking about tonight, Frank Ottofaro. I've known Frank for 70 years. I've known him for being an honest, industrious, taxpaying, voting member of this community for a long time. The most conscientious person you will find. The most giving person you will find. He was done wrong. Not just here, but around the world, the people that make the original mistakes are the last ones to say we made a mistake because it is hard to do, but I think it is time to do it. I think it is time to do whatever it takes individually or collectively to readdress the wrong that has occurred. I have and many of you have watched Frank come to these meetings in thunder, lightening, ice and heat walking with a cane, walker or come in a wheelchair. He never varied in his requests and was always totally polite and forward, never hiding anything and was always willing to give whatever facts people needed in order to make good decisions. Frank voted and told everyone that he knew to vote. We are always saying "Participate in your government". Frank was the perfect example of participation by a citizen. Whatever it takes, I recommend an action be initiated by the group as a whole or by an individual within the group to get something on this case on the table. The City can do a lot. Frank was ethical beyond compare. He would never take a dime from anybody. He was a proud man. If something wasn't right, he wasn't going to make it right by taking somebody's money. If we could copy Frank, it would be a great step forward, but if we could do something for him and his family who is still here, I would appreciate it very much. Thank you.

Mr. Edwin Boone, 48 Snow Street, made the following statement: I'm reading a Daily Press article dated March 19th entitled "Virginia gets an F for Corruption Risk. State Ranks 47th in the new study of Government Transparency Accountability." 47th is the 3rd from the bottom (50th place) from the United States; this is how corrupt Virginia is. I have a document entitled "Resolution approving the City of Hampton Minority and Woman-Owned Business Program Plan" signed by Mayor Molly Joseph Ward. When I first joined the Purchasing and Procurement Oversight Committee (PPOC), 0% - 3% of minorities and women were getting contracts. Our Vice Mayor is on the Board, but it is still 0%-3%. The numbers have not changed since he (Vice Mayor Wallace) has been on the Committee. I am the only one showing up at the PPOC meeting.

Mr. Boone continued with his statement. Another article dated February 16, 2010 entitled "Storm Flooding Forecast Dire – Even Moderate Storms in the Future may have a Devastating Effect on Hampton Roads because of Rising Sea Levels." Another Daily Press article dated February 19, 2012 "Harbor Square, A Deal that Costs Taxpayers Millions". When the City purchased Harbor Square for \$13.4 million, the Mayor's family received one-seventh of that from the citizen taxpayers' income. She profited from that. As a sitting Mayor, she recused herself, but knew she had the four votes to overpower the only one who stood for us, Councilman Donnie Tuck.

Mr. Boone read a portion of the January 3, 2012 Daily Press article entitled "A Case for Curbing Eminent Domain" regarding Mr. Ottofaro railing against Hampton for the purchase of his property, and his voice may finally be heard. Mr. Boone continued his statement. Prayerfully, now his voice will finally be heard since his family and citizens are standing up for what Frank Ottofaro stood for.

Mr. Boone referenced another article dated March 5, 2012. "Councilman Seeks Clarity on Public Access at City Hall. Fellow Hampton Councilman's aide had code to an area where access is restricted after hours." Mr. Boone said Councilman Chris Stuart's assistant, Mr. Kyle Adams, had access to the back offices of City Hall after hours.

Mr. Boone noted we had two meetings with minorities and the Mayor never showed up at the forums. She needs the minority votes.

Mayor Ward thanked Mr. Boone for his comments and called for the next speaker as Mr. Boone's speaking time had expired.

Ms. Linda Counts, 1822 Darville Drive, greeted the members of Council and made the following statement: I am here this evening to honor Frank Ottofaro. Mr. Ottofaro was the strongest individual that I have ever had the pleasure of meeting and knowing. He had a warm heart; he had integrity; he had morals. That is more than I can say for some in the Council Chambers right now, but I'm not going to speak any names. Mr. Ottofaro's case is written in a text titled "The rise, fall and undetermined future of private property rights in the Commonwealth". They discuss the fact that the Eminent Domain Laws are not written for the citizens because of the vagueness of how they are written by code. In that text, it was mentioned that Mr. Ottofaro's house was appraised at \$160,000 and was only offered \$120,000 and that the courts did not want the jury to hear what the appraisal was. To me, that was wrong. What this Council allowed to happen was wrong. What Mr. Wallace did was wrong. This Council had the opportunity, has the opportunity, and will always have the opportunity to step up to the plate to make this right. We have a former Councilmember that made the comment that if Cider Tire was ever sold, she would be of the mind to give Mr. Ottofaro more than he wanted for it to give him the compensation that was due him, but the Mayor said that is not your place. Mayor, I don't think it is your place to benefit from the purchase of Harbor Square Apartments. Cynthia (Hudson), you made the statement to give Mr. Ottofaro any more compensation would be to give him a gift which was inappropriate. If the situation was reversed; if it was your house taken and you were not duly compensated, would you feel that was inappropriate? Ms. Bunting, Mayor, Vice Mayor, Mr. Spencer, Mr. Moffett, Mr. Stuart, would you? You need to step away from the situation and look at it. Put yourself in that situation and ask yourself, would you be apt then to do something? Please make this right. You've done everything else; you've spent money on a statute at Carousel Park; you've spent taxpayers' money for an anniversary table; you want to spend \$38 million on a courthouse that we don't need; you spent \$300,000 - \$600,000 on Old Point to keep them in the City. You have to stop squandering money on frivolous things that we don't need in the City and do things right in the City. We have a good opportunity come May 1st to vote in a Council that we can trust - people who care about the citizens and who won't be spending money frivolously. My vote goes to Donnie Tuck. Thank you.

Ms. Carole Garrison, 410 Shoreline Drive, greeted the Mayor, City Manager, City Attorney and Councilmembers and made the following statement: I am here specifically to appeal to Mayor Ward and Councilman Kearney (who is not here) on a subject regarding Fort Monroe. I know Councilman Kearney has had many years of experience in dealing with public versus private beach land. This has been a problem that has affected localities around us. This problem occurred because the King then deeded the beach with the land that was deeded to the people. We have faced issues with restoring the beach, owners blocking their property with fences and trespassing issues. These

issues have resulted in public hearings, lawsuits and fights with neighbors in our locality as well as localities around us. However, there was no way around it since the deeds were written hundreds of years ago. A couple of years ago, a lot of taxpayer money went in to restore the beach at Fort Monroe where we installed 5 breakwaters. That area where this beach resides is in the red area of Fort Monroe which is not part of the designated Park. Recently, to my understanding, the Officers' Club, pool and beach were sold to a private company. While the beach is fenced off, and it might look like a reasonable transfer, it is a terrible precedent. When the beach erodes in several decades, who will restore it? The beach club? Will they pay millions of dollars? I don't think so. If they sell the beach club and condos or stores are built there, will they pay the millions of dollars to restore the beach which constantly has to be restored? I don't think so. We have a situation where taxpayers are expected to pay the bill, but not allowed on private property. We cannot even get Federal funding for these areas because they are private property. I am requesting that you explain this situation to the board which you are on. At the very least, they should allow for public easement for walking which would allow us to also protect the beach in the future. The people who are on the board are stewards of Fort Monroe. That does not mean for this particular time, but in the future also. Many on the board do not even live here and do not realize what it is like to live in the water communities. We see this often and need to explain it to them. This month, a permit to request to build 8 fences on White Marsh is going in front of the Virginia Marine Resources Commission. I would hate to see Fort Monroe become our next White Marsh just because in 400 years, we never learned the lesson not to privatize our public beaches. I would also like to mention it is very important to get out and vote. The League of Women Voters will be having forums for the Council on the 20th and for the School Board and the Mayor on the 27th. Please come out to listen. Go to the League of Women Voter's website to get the voter guides. Bring your friends out to vote. An office can be won in Hampton with 5,000 votes. When you consider how many people live here, that is just crazy. Please get your friends involved and get them to vote. Thank you.

Mr. Archie Alan, 22 Mill Point Drive, greeted the Mayor, Councilmembers, City Manager and City Attorney and made the following statement: I am on the Board of the Downtown Hampton Development Partnership, normally referred to as DHDP. I'm also the committee chairman for the Public Space Improvement Committee for which I keep an eye on things downtown. I know that you all have a difficult job of trying to get things done and maintaining services with limited staff. Last year, I worked with the Parks and Recreation Department, its Director Mr. Jim Wilson and others to keep downtown curb appeal for tourists and visitors. With limited staff, it was difficult to keep landscaping done for the display for the tourists. This year, the City has contracted a private landscaping and grass cutting company called Colonial Gardens. When you ride down Settlers Landing Road, it looks like the islands are manicured all of the time. Last year, we tried to have it done on Fridays, so it would be nice for the weekends, but we had problems getting it done due to limited staff. You need to look at the medians and gateways to see how this company is maintaining. Also, you need to visit Mill Point Park. Parks and Recreation has done a super job redoing the stage and putting Trex down for the decking and replacing the canopy which matches the Trex decking. I know you get beat up all the time for various things, so I just wanted to say thank you for getting this done. Thank you.

Mr. Rudy Langford, P.O. Box 282, greeted Council, thanked Mayor Ward for extending time for the speakers who come before Council and made the following statement: I'm

here this evening on behalf of the Coalition for Justice. For 15 years, the Coalition had not addressed Mr. Ottofaro's concern with the City of Hampton. We have stayed mute and have not said anything. In 2004, we determined that it was not about money; instead, it was about Mr. Ottofaro's rights being violated. The reason the Coalition did not come forward is because the individual has to come to us, fill out an affidavit and have it notarized before the Coalition can speak on their behalf. That is what is required; however, Mr. Ottofaro refused to do that, so we did not come forward. Tonight, we are compelled to do so. Next Friday, downstairs at noon, we will make available all the documentation we have which goes back to the beginning of this situation. In the beginning, former Councilman Tom Gear, Ms. Linda McNeeley, Councilman Ross Kearney and I were involved in saving CC Spaulding. We met regularly, if not daily, with other members of the community to see if we could save CC Spaulding, but we did not do it. Former Mayor James Eason, former City Manager Bob O'Neill, former Assistant City Manager George Wallace and Community Development Department Director Mr. Terry O'Neill went forward without the 75% approval of the neighborhood to move forward. The numbers were fudged. We will present all of the facts and documentation Friday at a press conference downstairs. Thank you for your time.

Mr. Hugh Bassette, 117 Rip Rap Road, greeted Council and made the following statement: I am here to speak on behalf of my friend, Mr. Frank Ottofaro. I met Mr. Ottofaro here and over the last 5 years I've talked to him approximately 2 or 3 times per week. Sometimes he would call and say "Come to the door" and Mr. Ottofaro would have collard greens, fruit, wine and blue crabs for me. The other thing I liked about him was that whether you agreed with him or not, for anybody to have the fight to come here week after week, is a statement for young people to see somebody so determined in something they believed in. You have to admire him because he did not give up. He had a spirit that exemplified the best that is in the citizens of Hampton. The reasons you all gave for not dealing with Mr. Ottofaro were (1.) it has been to court and (2.) if we do it for him, we would have to do it for somebody else. Two wrongs don't make a right. You cannot tell me just because you treated some other people wrong and they may come forward that means you cannot treat Mr. Ottofaro right. It is not too late to do the right thing. You all are letting this get into an ego thing. I've seen you give more money away than that, for example, you gave \$600,000 to Old Point Bank, you gave Tommy Thompson a piece of property for \$400,000 that is now worth \$2 million. It is not about the money. Swallow your ego and make this right because that is how Hampton people are. We care for each other; we support each other; we are concerned for each other. I think it would show the true spirit of the City of Hampton if you sat down with Mr. Ottofaro's family and worked this out. I miss Mr. Ottofaro. Every time he talked to me, he brought the situation up. He was not trying to get some money for free. He believed sincerely that he was done wrong. Thank you.

Mayor Ward reminded everyone that the meeting can get unruly when everybody claps; and, therefore, asked those in the audience to refrain from clapping.

Mr. David Dietrich, 139 Wilderness Road, greeted the Mayor, Councilmembers and City Manager and made the following statement: I didn't come here tonight to talk about Mr. Ottofaro, but I must say I have never seen such a public outpouring of support for one man and his cause. I am truly amazed and I believe that I am seeing something in our citizens and the residents of Hampton that we need to continue. This is what citizen government is about.

Mr. Dietrich continued his statement on a different topic. I do not feel that you are a representative government in this City. I am ashamed to say that. I think you insult me and the residents of Hampton by refusing to respond to issues and questions either personally, by email, by phone, in public or on the website. I am really tired of seeing that. This has to change and I believe the citizens of Hampton are behind me on this. I've been here several months in a row about an issue that started with our Federal government and it's been in our State General Assembly regarding House Bill 1160 in response to the National Defense Authorization Act. I have asked you to stand up for the residents of Hampton to support the public safety of our residents and protect the citizens from any unlawful attempt to seize them against their legal rights. I have not yet received a single response from one of you. I am ashamed to say that your arrogance is terrible in the way you are behaving. It is almost like you don't care for our public safety; you don't care about the law; you want the people of Hampton to take the law into their own hands. I would really like to see a response.

Mr. Dietrich continued his statement on a different topic. Our School Board is meeting tonight to address a shortfall. They are going to make some cuts in the budget. You have millions of dollars set aside that could be used to address this shortfall in our school system. What's more important than our children of this City?

Mr. Dietrich continued his statement on a different topic addressing Mayor Ward. Setting the policy that we cannot have public debate, just like our School Board, is wrong. We have to have public debates so we understand how all of you think and behave so we know who you are. We have to vote for you. We elect you and we want you to represent us. As far as I am concerned, you all ought to be thrown out and we ought to replace you completely because I am tired of it. Thank you very much.

Mayor Ward addressed two statements made during the public comment period. She clarified that she did not receive any money from the sale of Harbor Square. She also clarified that the Officers' Club has not been sold. She explained the entire Northern Beach area is part of the National Park Service and the National Park Service fee area is 244 acres and another 80 acres is under easement which is 57% of Fort Monroe. She said the misinformation may have come from the fact that there has been a Request for Proposal (RFP) for the Officers' Club so that it can have public access, but there is no intent to sell the beach or the Officers' Club.

Vice Mayor Wallace made comments regarding his name being mentioned throughout the Public Comment Period. He stated he informed Frank Ottofaro, Jr. that while he (Vice Mayor Wallace) and his father were on opposite sides of an issue, which festered in our community for a long time, their relationship was friendly because they both had a connection to Williamsburg, particularly a mutual interest in Williamsburg athletic teams. He said contrary to what people may believe, he and Frank Ottofaro, Sr. had many friendly conversations; and, therefore, it is not true that their personal relationship was adversarial. Vice Mayor Wallace continued saying this is an emotional time and he does not want to be perceived as irresponsible, unemotional or not moved by Frank Ottofaro, Sr. He said when a family loses a loved one, there is nothing that can make them feel better other than memories; and, in this case, the family has an understandably unpleasant memory regarding this issue. He suggested, with approval from Council, that the City Attorney post our case and response on-line regarding what transpired so that the public is aware of both sides of the story and may draw their conclusions based on the information from both sides.

Councilman Tuck asked whether Vice Mayor Wallace meant his (Vice Mayor Wallace's) position or Council's position would be posted on-line. Vice Mayor Wallace clarified he was suggesting the details regarding what transpired during the process be posted on-line, not necessarily Council's position.

The meeting adjourned at 7:02 p.m.

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Molly Joseph Ward  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_

John Krulis  
3631 Chesapeake Ave.  
Hampton, VA 23661  
(757) 723-1475  
March 1, 2012

Letters to the Editor  
Daily Press  
7505 Warwick Blvd.  
Newport News, VA 23607

I'm pleading with my fellow Hamptonians to consider this striking statistic: only 14.3 percent of us voted in our most recent local election. I've personally said to several in city government that they get away with what they get away with only because no one is watching. Well, add to that because we're not voting.

We don't vote for many reasons, many of them understandable. Some despair that it doesn't make any difference who gets elected because the results are the same. You're not alone in your cynicism. Many figure they don't really know enough about the issues. I'd suggest you read the lead article on the front page of the Daily Press dated Sunday, February 19<sup>th</sup>. You'll know the issues.

For years Hampton's leadership has made a succession of poor financial decisions of which Harbor Square is only the most recent. My short list would also include the Convention Center, the Power Plant, Parade of Homes, and the H2O development. These endeavors (and many others) were all conceived, planned and executed without due diligence, without realistic cost or revenue projections and without vetting of proposed partners. For years only one voice on Council was asking the critical questions, that of Angela Leary.

The City needs not only to scrutinize its past decisions but also to review and rethink its current ones. The City needs to recognize that these are not ordinary economic times. The City needs new and independent voices on Council and the City needs Donnie Tuck in the mayor's chair.

Sincerely,

John Krulis

*the mayor  
city council  
the council*  
Good Evening, my name is: Brenda Moyer

*Home 1344th St 87*  
and I live at: \_\_\_\_\_

I am here tonight to speak in behalf of Mr. Frank Ottofaro Sr., who most recently passed away shortly after last month's City Council meeting on March 14<sup>th</sup> at approximately 9:50 p.m..

It should also be known that on this very same night of the March 14<sup>th</sup> Council meeting, that Mr. Ottofaro had made the attempt to get out of his hospital bed, disconnect his life support systems, and to come down here to continue his fight for his rights, and to receive the justice owed to him by this city and current Council.

Both his family, and the Riverside attending nurses that night, had to restrain Mr. Ottofaro from leaving his hospital bed by tying down his feet and his hands to prevent him from getting out of bed.

For over 12 years, Mr. Ottofaro came down to the Hampton City Council meetings to make several good faith attempts to right the wrong that was done to him by the City of Hampton over their misuse of the Eminent Domain law to take what was rightfully his, the house and land located on Pine Chapel Road.

Mr. Ottofaro never asked to be treated any differently than the others who were with him at the very first property owner's meeting that Mr. George Wallace himself had held back in 1999 at a local Hampton church.

Mr. Ottofaro never even asked to receive more than what his other fellow property owners had received of two and one-half times their own property assessments.

Mr. George Wallace also informed the property owners within the Power Plant's footprint at this same church in 1999, that should anyone not want to sell their property, that none would be taken. The city would just go around them.

Mr. Ottofaro believed what Mr. Wallace had told him, he was the Hampton City Manager, why would he lie?

One evening the Hampton City Attorney-(then Mr. Paul Burton) had telephoned Mr. Ottofaro and had requested from him to allow a city paid assessor to come onto his property located on Pine Chapel Road to perform an updated assessment since one had not been done in over 7 years.

Mr. Ottofaro granted Mr. Burton this request, on the condition that he could have a copy of this assessment once it was completed. Mr. Burton agreed to this, and the assessment was performed.

A few months had passed, and Mr. Ottofaro never heard back from Mr. Burton's office on the assessment, and when Mr. Ottofaro had placed a call into Mr. Burton, he was told that he could have his copy, but that he would have to pay for it. This was not the agreement that was made, and it was the start of several aggressive acts committed by the Hampton City Attorney's Office that were unwarranted, and showed a clear misuse of power and office.

I informed all of you at the March Council meeting that Mr. Ottofaro was on life support, and that the doctors and his family stated that he wouldn't be leaving the ICU. Obviously this situation came to be true, and all of us have lost Mr. O.

Although we could not fix what happened to Mr. Ottofaro before he left us, we can at least see to it that his wife and family are taken care of by fixing this injustice done to them.

I ask you once again, please reconsider Mr. Ottofaro's case based solely on the lack of fair and equal treatment that he did not receive from this city for over 12 years of his life, and to make his wife Dora and family whole to match what was given to the other property owners by this city of two and one-half times their assessments. It is simply the right thing to do here, and Mr. Ottofaro deserves this respect, even in his time of rest.

*please include in minutes*

*Thank you*

Good Evening, my name is: Eddie Deerfield, and I live at: \_\_\_\_\_.

I am here tonight to speak in behalf of Mr. Frank Ottofaro Sr., who most recently passed away shortly after last month's City Council meeting on March 14<sup>th</sup> at approximately 9:50 p.m..

To continue on Mr. Ottofaro's story here, Mr. Ottofaro did find out that his assessment came back to be \$164,000. Although Mr. Burton still would not honor their agreement of giving Mr. Ottofaro his copy of the written assessment, he was told verbally of this figure.

If you take this number and times it by two and one-half times, the total price that Mr. Ottofaro should have received for his property would clearly have been \$410,000. This would have matched the other property owner's purchase prices, and it would have been the fair and equal thing to do here for Mr. Ottofaro.

To this very night, Mr. Ottofaro has never been given a reason out of basic human respect, as to why he was treated differently than the others within this very same meeting, and at this very same Hampton church with Mr. Wallace.

It should also be known that Mr. Paul Burton had telephoned Mr. Ottofaro on another evening after hours and informed him that the City of Hampton was making the one and only offer of \$164,000 for Mr. Ottofaro's property, and that if he did not take it, the city would condemn and perform a Quick Take of his property under Eminent Domain.

Mr. Ottofaro reminded Mr. Burton during this telephone call that Mr. Wallace had stated that if he did not want to sell his property and house, that the city would build the road to the Power Plant around him.

Mr. Ottofaro at this time refused Mr. Burton's threat and offer, and informed Mr. Burton that he would take it to court.

The City of Hampton filed the Quick Take Certificate with the Hampton Court, deposited a check for the total of \$164,000 into an account which gained interest, and sent Mr. Ottofaro's tenants a letter stating that they could stop paying their rent to Mr. Ottofaro immediately, and that they could live in the house for the next 3 months rent free.

When Mr. Ottofaro did not receive his rent check after a month, he asked his long-term tenants as to why they have not paid him his rent. The tenant replied that the City Attorney's Office had sent them a letter informing them to stop paying Mr. Ottofaro their rent.

The problem with this was, the City Attorney's Office did not show Mr. Ottofaro any respect by sending him a copy of this letter to make him aware of this loss of rental income to his family. Mr. Ottofaro had to find this out from his own tenant.

It must also be noted that Mr. Ottofaro was still paying all of the real estate property taxes on his house and land during this time, although the city claimed the property was theirs now.

Where was Mr. Wallace's commitment that the city would not take anyone out? The Ottofaro family is still wondering about this statement to this day. Mr. Ottofaro turned down the city's offer, and thought that he would be left alone as Mr. Wallace had stated at the church in 1999.

I ask you once again, please reconsider Mr. Ottofaro's case based solely on the lack of fair and equal treatment that he did not receive from this city for over 12 years of his life, and to make his wife Dora and family whole to match what was given to the other property owners by this city of two and one-half times their assessments. It is simply the right thing to do here, and Mr. Ottofaro deserves this respect, even in his time of rest.

Good Evening, my name is: Eric Moyer, and I live at: \_\_\_\_\_.

I am here tonight to speak in behalf of Mr. Frank Ottofaro Sr., who most recently passed away shortly after last month's City Council meeting on March 14<sup>th</sup> at approximately 9:50 p.m..

To continue Mr. Ottofaro's story here, he never wanted to be within the public spotlight, or to have his property and his life on display for all to see. He only wanted to be left alone, with no complications in his retirement years.

Only when this city's government officials came along and threatened Mr. Ottofaro with the seizure of his property and his livelihood, did Mr. Ottofaro get placed in the middle of what became a 12 year battle to protect what each and every one of us have here tonight, your rights of property ownership.

This city created this black cloud by taking something that did not belong to them, a house and a piece of property from a long-term Hampton resident and business owner, Frank Ottofaro.

Mr. Ottofaro thought that he had a choice to decline the city's offer of \$164,000, to keep his property, and to be bypassed by the road going to the Power Plant as Mr. Wallace had stated to him and others back in 1999 at that Hampton church. Obviously this turned out to not be true.

He also never asked for the City Attorney, the City Zoning Administrator, four Hampton Police Officers, two Zoning Department personnel, and a city locksmith to force entry into his house located on Pine Chapel Road past six clearly posted No Trespassing signs, change the locks, and to have Mr. Paul Burton himself come out and hold up the key and state "Mr. Ottofaro, if you need to get anything out of this house, you can come down to my office to get the key".

Was this really necessary? A City Attorney who misused his granted power of office personally against a long time resident and business owner of Hampton? The Ottofaro family felt that he should have been fired and disbarred for this aggression and abuse. This case hadn't even been in court yet to see if Hampton had the right to take their property.

Do you think that the City Attorney may have known how the Hampton Court was going to rule? The Ottofaro family surely saw through this aggressive act that had just been committed against them.

They also have this entire event on videotape.

Wasn't it enough to have kicked out his tenants, change the deed over into the possession of the city, and wait until it had been heard by the court? The Ottofaro family certainly thought so, but why not this city's attorney?

Everyone should also know about Mr. Wallace's own testimony on the stand in a Hampton Court to discuss the demolition of Mr. Ottofaro's house, that when asked by the Ottofaro's attorney Mr. Joe Waldo, was there a demolition schedule in place Mr. Wallace? The answer was NO. Has a road construction contractor been selected yet Mr. Wallace? The answer was NO. Has a demolition contractor been selected yet Mr. Wallace? The answer was NO. Finally, is there a definitive map showing the exact placement of the road Mr. Wallace? Again the answer was NO. The presiding Judge Wilford Taylor still allowed the City of Hampton to tear down Frank and Dora Ottofaro's house anyway on Pine Chapel Road only six days upon leaving the Hampton Court room.

I ask you once again, please reconsider Mr. Ottofaro's case based solely on the lack of fair and equal treatment that he did not receive from this city for over 12 years of his life, and to make his wife Dora and family whole to match what was given to the other property owners by this city of two and one-half times their assessments. It is simply the right thing to do here, and Mr. Ottofaro deserves this respect, even in his time of rest.

Good Evening Council, Mayor, City Attorney and City Manager.

My name is Jonathan Deerfield and I reside at 1515 Garrow Circle.

Tonight, I will speak on what I have learned about council in the past year or two based on what I have heard from my father and what I have learned by watching.

But first, I want to take a moment to remember Frank Ottofaro. He was a good man that due to the stressor that is this council; he was unable to continue to fight because his body gave out. But today his spirit remains and we will continue to fight. Needless to say we will fight until he is avenged.

Today, I came to speak on this Machiavellian council. Always working behind closed doors and using a deep deception in order to further your own agenda for the city. As citizens, we do not have time to continue to tolerate this council minus one's smug and wasteful approach to handling this city.

Niccolo Machivelli in his book, "The Prince," mentioned that the prudent man will help to stop the disease or plague of society in its tracks before it becomes a problem; for the Romans were so prudent in government that they were able to spot a threat before it became a problem. For so many years the citizens of Hampton have been ignorant to the workings of the city council. Now the City council minus 1 is a problem. I feel that this city has not been prudent in its handling and with the increased wave of population decrease; we will soon find that we have become a part of another city due to a misplaced smugness.

Robert Frost is quoted as saying "In three words, I can sum up everything I have learned about life: It goes on." Mr. Frost was correct in this saying. Life goes on. Our citizens will go on. But with the way that council is handling business today, I am more inclined to feel that this council is a disease rather than a cure, and in the future while our great citizens may go on, our wonderful city will not; due to the mistakes of this council. Today, we stand up! Less ignorant, we are more prudent and we plan to eradicate the disease that is this council before it can do anymore irreparable harm.

We voted this council into place. You seem to have forgotten that. But instead you all feel you are our trustees. Trustees are those who feel that they can make decisions for us rather than making decisions WITH us. You have TRIED to appease us; but you do not listen to the will of the people and therefore you do not deserve to be in office. We want delegates! Not anyone who will vote against the will of those who vote! I hope for once you have OPENED YOUR EARS to the criticism that I am bringing to you tonight. Thank you.

Mayor, Council, Ms. Bunting , Ms. Hudson

My name is Carole Garrison and I live at 410 Shoreline drive

I am here specially to appeal to Mayor Ward and Councilman Kearney on a subject regarding Fort Monroe. I know Councilman Kearney has had years of experience in dealing with public vs private beaches. This has been a problem with many of the localities around us. These problems occurred because the King had deeded the land to the land owners. We have faced issues with restoring the beach, owners blocking their propriety with fences and trespassing issues. These issues have resulted in public hearings, lawsuits and fights with neighbors in our locality as well as those around us. However, there was no way around it since the deeds were written hundreds of years ago.

A couple years ago a lot of taxpayer money went in to restore the beach at Fort Monroe and install 5 large breakwaters. That area where this beach resides is in the red area of Fort Monroe which is not set aside for the park. Recently , from my understanding, the officers club, pool and beach were sold to a private company. While looking at the beach which is fenced off it might seem like a reasonable transfer it is a terrible precedent. When that beach erodes in several decades who will restore it the beach club. Doubtful. When the club is eventually sold in decades will be whom ever buys it , condos or stores restore it . Doubtful. Will we have a situation where tax payers are expected to pay the bill but not allowed on private property. We can not even get federal funding if it is not a public area.

I am requesting that you explain this situation to the board which you are both on. At the very least part of that beach should have a public easement for walking which would allow us to also protect the beach in the future. The people on your board are stewards for Fort Monroe. That does not mean just for this particular time but in the future also. Many on the board do not live here and may not live in water communities so they do not realize the result of cost and hardship this decision will have on future citizens and government officials in the future.

This month a permit request to build 8 fences on White Marsh Beach goes in front of the Virginia Marine Resources Commission. I would hate to see Fort Monroe become our next white marsh just because in 400 years we never learned the lesson not to privatize our existing public beaches.

Thank you for your time.

Ms. Glass would you add my comments in to the record in their entirety.